

BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

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ADMINISTRATIVE HEARING
COMMISSION

STATE COMMITTEE FOR SOCIAL WORKERS,)
)
Petitioner,)
)
v.)
)
TERESA BREEDING,)
)
Respondent.)

No. 05-0903 SW

JOINT STIPULATION OF FACTS, WAIVER OF HEARINGS BEFORE
THE ADMINISTRATIVE HEARING COMMISSION AND STATE
COMMITTEE FOR SOCIAL WORKERS, AND CONSENT
ORDER WITH JOINT PROPOSED FINDINGS OF
FACT AND CONCLUSIONS OF LAW

Pursuant to the rules governing practice and procedure before the Administrative Hearing Commission (1 CSR 15-3.440) and pursuant to the terms of § 536.060, RSMo 2000, as it is made applicable to the Administrative Hearing Commission by § 621.135, RSMo 2000, the parties waive the right to a hearing of the above-styled case by the Administrative Hearing Commission of the state of Missouri and, additionally, the right to a disciplinary hearing before the State Committee for Social Workers under § 621.110, RSMo 2000, and jointly stipulate to the facts and consent to the imposition of disciplinary action against the social worker license of Respondent for violations of the statutes set forth below.

Respondent acknowledges that she has received and reviewed a copy of the Complaint filed by the State Committee for Social Workers in this case and the parties submit to the jurisdiction of the Administrative Hearing Commission.

Respondent acknowledges that she is aware of the various rights and privileges afforded her by law, including the right to appear and be represented by counsel; the right to have a copy of the Complaint served upon her by the Administrative Hearing Commission prior to the entering of its order, the right to have all charges against Respondent proven upon the record by competent and substantial evidence; the right to cross-examine any witness appearing at the hearing against Respondent; the right to present evidence on Respondent's own behalf at the hearing; the right to a decision upon the record of the hearing by a fair and impartial administrative hearing commissioner concerning the complaint pending against Respondent; and the right to a ruling on questions of law by an administrative hearing commissioner. Being aware of these rights provided the Respondent by operation of law, Respondent, Teresa Breeding, knowingly and voluntarily waives each and every one of these rights and freely enters into this Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission and State Committee for Social Workers, and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law and agrees to abide by the terms of this document as they pertain to Respondent.

I

Based upon the foregoing, Petitioner and Respondent jointly stipulate to the following and request that the Administrative Hearing Commission adopt as its own the Joint Proposed Findings of Fact and the Joint Proposed Conclusions of Law as the Administrative Hearing Commission's Findings of Fact and Conclusions of Law:

JOINT PROPOSED FINDINGS OF FACT

1. Petitioner, the State Committee for Social Workers ("Committee"), is an agency of the state of Missouri created and established by § 337.622, RSMo Supp 2002, for the purpose of administering and enforcing the provisions of Chapter 337, RSMo, relating to social workers.

2. Respondent, Teresa Breeding ("Breeding"), is licensed by the Committee as a social worker, License No. SW004430 Breeding's license is, and was at all times relevant herein, current and active.

3. At the time of the events herein, Breeding was employed as a licensed clinical social worker at St. Louis Psychiatric Rehabilitation Center ("SLPRC"), St. Louis, Missouri.

4. Between approximately January 2003 and February 2004, but a date certain known to Breeding, Breeding provided counseling to B.D., who was a patient at SLPRC.

5. On or about January 15, 2003, Breeding was counseled by her supervisors and other staff regarding her interactions and boundaries with B.D.

6. During the January 15, 2003 meeting, Breeding was encouraged to help B.D. become more independent and to spend less time with this client.

7. On or about February 14, 2003, Breeding was again counseled by her supervisors and other staff regarding her interactions and boundaries with B.D.

8. During the February 14, 2003 meeting, Breeding was removed as B.D.'s social worker and verbally instructed not to have any further contact with B.D.

9. A Corrective Action was issued to Breeding on March 24, 2003, specifying in writing to stop all contact and communication with B.D

10. Breeding continued to have numerous conversations with B.D after she was directed to cease all contact.

11 On September 9, 2003, Breeding received a written counseling for non-compliance with the March 24, 2003 Corrective Action.

12 A Corrective Action was again issued on or about October 29, 2003, instructing Breeding to cease contact with B.D

13 On or about January 21, 2004, Breeding gave B.D. a ride in her personal vehicle while she was off duty.

14 When confronted about having given B.D. a ride in her car, Breeding initially denied having done so, but later admitted that she gave B.D. a ride.

15. On or about February 26, 2004, Breeding was terminated from her position at SLPRC for willfully violating the regulations and policies of the facility regarding personal relationships with clients, insubordination and making false statements during the investigation.

16. Breeding's continued interaction with B.D. after having been instructed by her employer to first limit and then cease contact with B D demonstrates a lack of integrity in her relationships with her colleagues and employer.

17. Breeding's failure to be truthful throughout the investigation into whether she had given B.D. a ride in her car demonstrates a lack of integrity in her relationships with her colleagues and employer

18. Breeding's conduct violates 4 CSR 263-3.060, which states in relevant part: "(1) A licensed clinical social worker . . . should act with integrity in his/her relationships with colleagues, other organizations, agencies, institutions, referral sources and other professions so as to facilitate the contribution of all colleagues toward achieving optimum benefit for clients "

19. Breeding's conduct violates 4 CSR 263-3.020, which states in relevant part:

(2) A licensed clinical social worker . . . shall not—

(A) Violate any ethical standard/disciplinary rule;

..

20. Breeding's conduct violates 4 CSR 263-3.010, which states in relevant part: "(1) . . . The failure of a licensed clinical social worker . . . to abide by any ethical standard/disciplinary rule in this chapter shall constitute unethical conduct to be grounds for disciplinary proceedings."

21. SLPRC had a relationship of professional trust and confidence with Breeding in that SLPRC relied on Breeding to provide services consistent with the laws, regulations, and standard of care pertaining to the practice of social work

22. Breeding's conduct violates the professional trust and confidence of SLPRC.

23 Breeding's conduct demonstrates a lack of present ability, or a lack of disposition to use her otherwise sufficient ability, to perform her duties as a licensed clinical social worker in a manner consistent with the laws, regulations, and standard of care pertaining to the practice of social work

JOINT PROPOSED CONCLUSIONS OF LAW

24. Cause exists to discipline Breeding's license pursuant to § 337.630.2, RSMo 2000, which states in relevant parts:

2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license required by sections 337.600 to 337.639 or any person who has failed to renew or has surrendered the person's license for any one or any combination of the following causes.

...

(5) Incompetency, . . . or dishonesty in the performance of the functions or duties of a clinical social worker;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 337.600 to 337.639, or of any lawful rule or regulation adopted pursuant to sections 337.600 to 337.639;

(13) Violation of any professional trust or confidence;

(15) Being guilty of unethical conduct as defined in the ethical standards for clinical social workers adopted by the committee by rule and filed with the secretary of state.

II

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the State Committee for Social Workers in this matter under the authority of § 621.110, RSMo 2000. This disciplinary order will be effective immediately upon the issuance of the Consent Order of the Administrative Hearing Commission without further action by either party.

1. The social worker license, No. SW004430, of Respondent, Teresa Breeding ("Licensee"), is hereby placed on PROBATION for three years ("disciplinary period"). During the disciplinary period, Licensee must adhere to the following terms and conditions:

I GENERAL REQUIREMENTS

- A Licensee shall meet with the Committee or its representatives at such times and places as required by the Committee after notification of a required meeting.
- B. Licensee shall keep the Committee apprized of her current home and work addresses and telephone numbers. Licensee shall inform the Committee within ten days of any change of home or work address and home or work telephone number.
- C. Licensee shall comply with all provisions of the Chapter 337, RSMo, as they pertain to the practice of social work; all applicable federal and state drug

laws, rules and regulations; and all federal and state criminal laws. "State" here includes the state of Missouri and all other states and territories of the United States.

- D. During the disciplinary period, Licensee shall timely renew her license and timely pay all fees required for licensing and comply with all other Committee requirements necessary to maintain Licensee's license in a current and active state.
- E. During the disciplinary period, Licensee shall accept and comply with unannounced visits from the Committee's representatives to monitor her compliance with the terms and conditions of this Joint Stipulation.
- F. If Licensee fails to comply with the terms of this Joint Stipulation, in any respect, the Committee may impose such additional or other discipline that it deems appropriate.
- G. Licensee shall notify, within 15 days of the effective date of this Order, all facilities where Licensee practices of Licensee's disciplinary status. Notification shall be in writing and Licensee shall, contemporaneously with the giving of such notice, submit a copy of the notice to the Committee for verification by the Committee or its designated representative.
- H. For purposes of this Joint Stipulation, unless otherwise specified in this Joint Stipulation, all reports, documentation, evaluations, notices, or other materials

required to be submitted to the Committee in this Joint Stipulation shall be forwarded to: State Committee for Social Workers, 3605 Missouri Boulevard, P.O. Box 1335, Jefferson City, Missouri 65102.

- I. This Joint Stipulation does not bind the Committee or restrict the remedies available to it concerning any other violation of Chapter 337, RSMo, by Licensee not specifically mentioned in this document.

II. MENTAL HEALTH EVALUATION OR TREATMENT

- A. Within 90 days of the effective date of this Joint Stipulation, Licensee shall undergo a thorough evaluation by a qualified licensed mental health provider. Licensee shall show this Joint Stipulation to the treating professional before the evaluation is performed. Licensee shall accept and abide by all recommendations for treatment, care, and counseling as recommended by the treating professional. The treating professional conducting the evaluation shall forward a complete report of the evaluation to the Committee within ten days of completion of said report. The report shall include a description of all tests performed, test results, findings, diagnoses, prognosis, and recommendations for treatment, including the mental health professional recommended for treatment of Licensee. If the treating professional determines that treatment is not recommended, Licensee shall execute a release so that the Committee

can see the evaluation and supporting documents. If treatment is not recommended, Paragraphs C through K do not apply to Licensee.

- B. The mental health provider shall submit evidence to the Committee showing that he or she is licensed. The mental health provider shall not have a dual relationship with Licensee and shall not be a relative of Licensee or have been related to Licensee by marriage. A relative is defined as a spouse, parent, child, sibling of the whole or half blood, grandparent, grandchild, aunt, or uncle.
- C. If treatment is recommended, Licensee shall execute a medical release or other appropriate release that shall remain in effect for the entire period covered by this Joint Stipulation authorizing the Committee to obtain records of Licensee's treatment by the mental health provider. Licensee shall not take any action to cancel this release. Licensee shall take any and all steps necessary to continue the release in effect and shall sign a new release when requested.
- D. Pursuant to this Joint Stipulation, Licensee is required to submit to care, counseling, and/or treatment, as recommended by the mental health provider, and to abide by any and all practice restrictions recommended in connection with the mental health provider's recommended treatment plan
- E. Licensee shall follow all recommendations for treatment.

- F. Licensee shall direct the designated treating professional to provide the Committee with follow-up reports on a quarterly basis, with the reports due by December 1, March 1, June 1, and September 1 each year during the disciplinary period. The follow-up reports shall detail Licensee's progress with treatment; Licensee's compliance with all treatment recommendations; any subsequent testing or evaluation performed since the last report; and any problems identified since the last reports, diagnoses, and prognosis.
- G. If the treatment of Licensee is successfully completed during the disciplinary period, Licensee shall cause the treating professional to submit a letter of evaluation to the Committee stating that Licensee has successfully completed treatment. Such a letter shall include a statement that, to reasonable degree of certainty, the treatment professional has assessed that Licensee is no longer a threat to any patient or client. The letter shall also outline the recommendations and arrangements for appropriate follow-up or aftercare. Licensee shall follow all recommendations for follow-up or aftercare and shall document compliance with all such recommendations.
- H. If a 12-step program or other support group attendance is recommended, Licensee shall submit evidence of attendance of the meetings to the Committee on a quarterly basis, with the reports due by December 1, March 1, June 1, and September 1 each year during the disciplinary period. The documentation

shall include the date, time, and place of the meeting and shall bear a signature or abbreviated signature of another person verifying attendance

I. Licensee shall inform any professional preparing a prescription for Licensee of Licensee's mental health diagnosis and history.

J During the disciplinary period, Licensee shall abstain completely from the personal use or possession of any controlled substance or other drug for which a prescription is required unless that use of the drug has been prescribed by a person licensed to prescribe such drug and with whom Licensee has a bona fide relationship as a patient. Upon request, Licensee shall execute a medical release authorizing the Committee to access all records pertaining to Licensee's condition, treatment, and prescription maintained by the health care professional that prescribed the controlled substance. The presence of any controlled substance whatsoever in a biological fluid sample for which Licensee does not hold a valid prescription shall constitute a violation of this Joint Stipulation.

K Licensee shall provide the Committee with documentation of any prescription upon request.

III. REQUIREMENTS REGARDING SUPERVISED PRACTICE

A. Licensee's practice as a clinical social worker during the period of probation shall be supervised by a clinical social worker approved by the State

Committee for Social Workers If Licensee fails to secure a supervisor within 20 business days from the start of probation, the Licensee shall cease practicing clinical social work until a supervisor is secured. Licensee shall be responsible for any payment associated with the supervision.

B. In the event the approved supervisor becomes unable or decides not to continue serving in his/her capacity as a supervisor or otherwise ceases to serve as a supervisor during the period of probation, then the Licensee shall

(1) within three business days of being notified of the supervisor's inability or decision not to continue serving as the supervisor, or otherwise learning of the need to secure a supervisor, advise the State Committee for Social Workers in writing that Licensee is needing to secure a supervisor and the reasons for such change; and

(2) within 20 business days of being notified of the supervisor's inability or decision not to continue serving as the supervisor, or otherwise learning of the need to secure a supervisor, secure a supervisor pursuant to and in accordance with the terms and conditions set forth in this Joint Stipulation After 20 business days, the Licensee shall not practice if he or she has not secured a supervisor

C. The supervisor shall be vested with administrative authority over all matters affecting the provision of clinical social work services provided by Licensee

so that the ultimate responsibility for the welfare of every client is maintained by the supervisor.

- D. Licensee's supervisor shall report to the Committee in writing on a quarterly basis, with the reports due by December 1, March 1, June 1, and September 1 each year during the disciplinary period. It is Licensee's responsibility to ensure that these reports are provided in a timely manner.

IV. REQUIREMENTS REGARDING CONTINUING EDUCATION

Licensee shall obtain at least three hours of continuing education with emphasis in the area of ethics. The continuing education hours required herein are in addition to the continuing education hours required for licensure renewal by the Committee. The courses must be provided by State Committee of Social Workers approved sponsors and must be approved by the Committee prior to Licensee beginning the program(s). The additional hours of continuing education must be obtained within the first 12 months of the effective date of this Joint Stipulation. Licensee shall provide the Committee with proof of attendance from the sponsor of the program no later than 30 days after attending the course. Failure to obtain the required additional continuing education hours and/or submit the required documentation to the Committee will result in a violation of the terms of discipline.

2. The parties to this Joint Stipulation understand that the Committee will maintain this Joint Stipulation as an open and public record of the Committee as provided in Chapters 337, 610, and 620, RSMo.

3. Upon the determination of the Committee that the Licensee has failed to comply with the terms of this Joint Stipulation, the Committee may revoke Licensee's license or may take such other or additional disciplinary action against Licensee or Licensee's license as the Committee deems appropriate. No order shall be entered by the Committee pursuant to this paragraph of this consent order without notice and an opportunity for hearing before the Committee in accordance with the provisions of Chapter 536, RSMo.

4. Upon the expiration and successful completion of the period of probation, Licensee's license as a social worker in Missouri shall be fully restored if all other requirements of law have been satisfied.

5. If the Committee determines that Licensee has violated a term or condition of this Joint Stipulation, which violation would also be actionable in a proceeding before the Administrative Hearing Commission or the circuit court, the Committee may elect to pursue any lawful remedies or procedures afforded it and is not bound by this stipulation in its determination of appropriate legal actions concerning that violation. If any alleged violation of this Joint Stipulation occurred during the disciplinary period, the Committee may choose to conduct a hearing before it either during the disciplinary period, or as soon thereafter as a hearing can be held, to determine whether a violation occurred and, if so, it may impose

further discipline. The Committee retains jurisdiction to hold a hearing to determine if a violation of this Joint Stipulation has occurred.

6. In consideration of the foregoing, the parties consent to the entry of record and approval of this Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission and State Committee for Social Workers, and Consent Order and to the termination of any further proceedings before the Administrative Hearing Commission based upon the Complaint filed by the Petitioner in the above-styled action.

7. The terms of this Joint Stipulation are contractual, legally enforceable, and binding, not merely recital. Except as otherwise contained herein, neither this Joint Stipulation nor any of its provisions may be changed, waived, discharged, or terminated, except by an instrument in writing signed by the party against whom the enforcement of the change, waiver, discharge, or termination is sought.

8. Licensee hereby waives and releases the Committee, its members and any of its employees, agents, or attorneys, including any former committee members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including, but not limited to, any claims for attorney's fees and expenses, including any claims pursuant to § 536.087, RSMo, or any claim arising under 42 U.S.C. § 1983, which may be based upon, arise out of, or relate to any of the matters raised in this litigation, or from the negotiation or execution of this settlement and release agreement. The parties acknowledge that this paragraph is severable from the remaining


portions of this settlement and release agreement in that it survives in perpetuity even in the event that any court of law deems this settlement and release agreement or any portion thereof void or unenforceable

RESPONDENT


Teresa Breeding

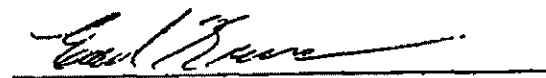
Date 10/29/05

PETITIONER


Vanessa Beauchamp
Executive Director
State Committee for Social Workers

Date 11/7/05

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